

**Washington County Land Use Authority Meeting**  
**June 23, 2009**

The Washington County Land Use Authority Meeting was held on Tuesday, June 23, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Pro Tem Chairman Everett. Commissioners present: Joann Balen, Debora Christopher, Doug Wilson, and Rick Jones. Also present were Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, Building Official Kurt Gardner, Senior Planner John Willie, Ron Whitehead, Public Works Director and Todd Edwards, Public Works Department.

Excused: Mike Stucki and Kim Ford

Absent: Julie Cropper

Audience attendance: Derek Imlay, Kyle Gubler, Kevin R. Bennett, Kade Bringhurst, Tom Skrocki, Larry Bulloch, Roger Bundy, Rich Crosman, Phil Giles, Gary Simonson, Lance Gifford, Mike Vercimack, Scott Taylor, Shawn Guzman, Gary Esplin .

Pro Tem Chairman Everett led the audience in the Pledge of Allegiance and explained meeting protocol.

**SPECIAL MEETING**

**Item #1. STAFF COMMENTS.** Staff review on all items listed below:

**Item #2. ROAD DEDICATION.** Consider approval of an extension of the Banded Hills Drive, a road dedication plat “Banded Hills Drive Extended”, located in Section 15, T43S, R15W, SLB&M, County unincorporated. St. George City and Utah State Trust Lands, applicants.

The planner explained that this plat is a continuation of a St. George City street, which extends into the County’s jurisdiction. Banded Hills Drive Extended is a sixty-foot (60') right-of-way that extends beyond Banded Hills Drive, which is a portion of this plat. The City Engineer delivered this plat to the Planning Office for your review. It seems to be a housekeeping item between two jurisdictions.

Roger Bundy, St. George City, prepared the map and explained how it will tie into the proposed airport boundary. The entire portion is within County unincorporated property, but it is anticipated that the area will be annexed into the city of St. George.

Todd Edwards, County Public Works, said that this is located in a hillside location and has slope easements. The plat has been submitted to the Public Works Department, and all redline corrections have been completed. This plat has also been through St. George City review and meets all of their standards.

**Motion was made by Commissioner Christopher to recommend approval of an extension of the Banded Hills Drive located in Section 15, T43S, R15W, SLB&M, subject to following**

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**the building standards of St. George City. Commissioner Balen seconded the motion. Four (4) commissioners voted Aye. The motion carried**

**Item #3. CONDITIONAL USE PERMIT.** Request permission to install a water tank at the St. George City Airport, with water lines and joint utility trench in the Right-Of-Way to the airport, within the OST-20 zone in the unincorporated area of the County. St. George City, applicant.

The planner explained that, in November of 2007, the Boundary Commission held hearings on a protest made by St. George City on the Peterson Annexation to Washington City in the vicinity of the new airport. The boundaries between the two communities were resolved and both agreed to also clear up a portion of the County island created between the two cities. However, in the 1 ½ years following the agreement, the annexation plat was never recorded. The development of a water tank and distribution lines are ready to be installed, with the property being within the OST-20 zone in the unincorporated area of the county. Public utilities and transmission lines are conditionally approved within the OST zone.

Larry Bulloch, St. George City, said that the airport project is well underway. The contractors are ready to begin construction in July and utilities are being extended to support that construction. The waterline will go completely around the airport site to provide a looping system for fire flow to the terminal and water service to all the facilities. The joint utility trench includes all the utilities, which would be gas, telephone, broadband and electrical systems to serve the airport. The work will be done in two (2) phases.

Mr. Bulloch explained that the water tank is ready to begin construction and will serve the airport and the surrounding neighborhood areas. The construction of the waterline is also ready to commence. The water tank will be concrete, rectangular and buried. It will have a two million gallon capacity. The entire project has been master planned anticipating future growth of the city, and the waterline has been up-sized to accommodate future demand.

Todd Edwards, County Public Works, said that three (3) separate sets of construction drawings were submitted and reviewed, and everything is in order. The road dedication will act as an easement for the joint utility trench. The remainder of the property is within St. George City limits.

Mr. Edwards explained that there will be several more Conditional Use Permit requests, and asked the Planning Commission to consider allowing Staff to make the reviews and decisions on that level, instead of bringing each item forward to the Planning Commission.

Scott Taylor, St. George City, said that the water tank is sized for the airport and surrounding residential areas to the south and the east.

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Gary Esplin, St. George City Manager, clarified the status of the annexation. Both St. George City and Washington City have agreed on a boundary and signed an agreement. Once Washington City denies the annexation request they received, then St. George City can go forward with the annexation petition.

Mr. Esplin said that the airport will open in mid-January 2011. Construction is ahead of schedule and should be completed before the end of the year, but first the FAA has to certify flight patterns and navigational aids. Since the FAA only tests on a quarterly basis, January 2011 is the soonest they can be finished. The existing airport property has been sold and will not function in an airport capacity once the new airport is complete.

**Motion was made by Commissioner Balen to recommend approval on a Conditional Use Permit to install a water tank at the St. George City Airport, with water lines and joint utility trench in the Right-of-Way to the airport, for a period of one (1) year, subject to following the building standards of St. George City. Commissioner Christopher seconded the motion. Four (4) commissioners voted Aye. The motion carried.**

**Item #4. CONDITIONAL USE PERMIT.** Request permission on construction of the St. George City Airport buildings, within the OST-20 zone in the unincorporated areas of the county. St. George City, applicant.

The planner said due to the lack of a recorded annexation plat, as explained in the previous Item #3, the Conditional Use Permit needs to be reviewed and approved by the County. Bids have been presented to the City and contractors are ready to obtain building permits for construction on the airport facilities (terminal), which are conditionally approved within the OST-20 zone.

Richard Crosman, St. George City, gave detailed explanation of the photos and drawings displayed on the power point presentation, including elevations, interior site map, architect's sketches, and locations of various components of the proposed airport. Mr. Crosman also showed the location of the temporary power lines that are being used during the construction process.

Gary Esplin, St. George City Manager, explained that attorneys are currently drawing up a contract that will release Washington County from any liability, and state that all inspections will be done by St. George City.

**Motion was made by Commissioner Wilson to recommend approval on a Conditional Use Permit on construction of the St. George City Airport buildings, subject to following the building standards of St. George City, and that all inspections will be done by St. George City, also subject to the indemnification agreement between St. George City and Washington County, specifically that the County will not have any liability, also to include that future conditional use permits requested will be handled on a Staff level, for a period of one (1) year. Commissioner Christopher seconded the motion. Four (4) commissioners voted Aye. The motion carried.**

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**Item. #5. CONDITIONAL USE PERMIT.** Request permission to construct a motocross and ATV track within the OST-20 zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLB&M, generally located east of Hwy 18 on North Baker Lake Road and 300 East in Central. Robert and Mary Houston, applicants and Gary Simonson, agent.

The planner reminded the planning commissioners that a zone change on this property was approved at the previous meeting. The applicant is requesting a motocross and ATV track, which is for personal and public use, with several scheduled events each year. The commission determined this zone was similar and compatible with surrounding land use and will need to make findings that the use is consistent or similar with the characteristics and purposes stated for the zone. The proposed use requested is similar to the gravel pits, trail uses and private recreation grounds and facilities allowed conditionally within the OST-20 zone. The planner advised that the commission should be concerned about noise and dust pollution, parking, ingress and egress for safe travel, hours of operation, water, and sanitary facilities, and emergency services available.

Gary Simonson, agent, said there are plans for two (2) events and practices this year. During practice there will be EMT personnel on site, and during events there will also be two (2) ambulances. All participants and spectators will be required to sign an insurance waiver. There will be a safety fence along the perimeter, with a gate. The course will be locked, except during times of a practice or event. There will be adequate porta potties, during practices and events only. There are places for spectator parking along the course, with good visibility. There will be a water truck on site that will keep the course and the surrounding roads watered to keep the dust down. If there are two or three day races, camping will be allowed, but no water or power will be provided. There have only been positive comments from neighbors, with no concern about noise levels. There have not been any negative comments about the proposed racetrack. No races will be scheduled during hunting season. There will be no storage of fuel on the property. They will meet with the sheriff's office for traffic control and sign placement during each race. There is no culinary water available at this time, but there will be bottled water sold at a concession trailer during events and there is culinary water about 1/4 mile away. Garbage receptacles will be provided.

There was a brief discussion regarding hours of operation. Because the course will only be open during the summer, it was determined that daylight hours would be sufficient, specifically from 8:00 a.m. to 8:00 p.m.

Todd Edwards, County Public Works, was concerned about parking along the route, and wanted to ensure that spectators wouldn't have to park on any surrounding roads. Mr. Simonson stated that only five (5) acres of the entire twenty (20) acre parcel will be used for the route.

Mary Houston, applicant, explained that there is an adjoining twenty (20) acre parcel that would also be available for parking. Both properties should provide more than adequate parking.

**Findings:**

- In harmony with other uses, such as trails and trail rides, private recreation grounds
- Safety has been taken into consideration with regard to traffic control
- Emergency vehicles will be available, including EMT's
- Signage, fencing and adequate parking will be provided
- Gate will be locked when not in use
- Garbage receptacles will be provided
- Hours of operation will be summer, daylight only from 8:00 a.m. to 8:00 p.m., with no lighting needed

Each finding was voted on separately and unanimously approved by the commissioners.

**Motion was made by Commissioner Balen to recommend approval for a Conditional Use Permit to construct a motocross and ATV track within the OST-20 zone, generally located east of Hwy. 18 on North Baker Lake Road and 300 East in Central, and based on findings that the proposed use is not detrimental to public health, safety, or welfare because of specific findings listed, for a period of one (1) year. Commissioner Jones seconded the motion. Four (4) commissioners voted Aye. The motion carried.**

**WORK MEETING**

**Item #6.DISCUSSION ITEM / CONDITIONAL USE PERMIT.** Review request for Pah Tempe Zip Line Tour Parking Lot and Zip Line Station, within the OST 20 Zone. Ken Anderson, applicant.

The planner explained that Pah Tempe has been in operation prior to the Zoning Ordinance adoption in 1972, thus, the spa and swimming has been on going and considered a grand father use within the OST-20 zone. Approximately ten (10) years ago, the use was expanded to a bed and breakfast and conference rooms, which were conditionally approved. Mr. Anderson indicated they no longer run the bed and breakfast facility. Whereas, this property lies within the area of influence of both LaVerkin and Hurricane on their Master Policy Declarations for Annexation, they were notified of this request and meeting date. The applicant would like to develop a parking lot for the Pah Tempe Zip Line Tours and Zip Line Station, creating a recreational facility on this property. The planner advised that the commission should be concerned about hours of operation, water and sanitary facilities, and emergency services available.

The applicant was not in attendance, but this item was reviewed to allow several representatives from LaVerkin City and Hurricane City to give input.

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Commissioner Wilson declared a possible conflict of interest, because he is employed by the Washington County Water Conservancy District.

Ron Whitehead, Public Works Director, said that his preference would be for the property to be annexed.

Lance Gifford, Hurricane City, said that the river creates a natural boundary and, if annexed to Hurricane the river would be used as the boundary.

Kevin Bennett, LaVerkin City Attorney, said that he feels that Hurricane has been hesitant to move forward with the annexation. Mr. Bennett expressed concerns regarding the title report and who owns what property. There is an annexation petition that is pending at this time to bring all of the property into LaVerkin City and not divide it at the river. Any annexation will impact the city, and the proposed use needs to be carefully analyzed. Mr. Bennett was also concerned about the proposed storage building and its intended use.

A portion of the applicant's property is within LaVerkin City boundaries and the remainder is County unincorporated. Water is currently being provided by Hurricane City and has been for years, but if this property is annexed into LaVerkin City, Hurricane could not provide water to another municipality.

Mike Vercimack, Hurricane City Public Works Director, said that the property is adjacent to Hurricane and they will feel the impact with a commercial development, especially the increased traffic. The proposed zip line will create a problem, and Hurricane City wants to be aware and have some input and have an amicable resolve with all involved.

**Item #7. DISCUSSION ITEM / ORDINANCE AMENDMENT:** Consider approval of the Washington County Subdivision Ordinance Amendments, Title 11, Chapter 5, Improvements, Section 11-5-3.C.7., L, P, and O; Section 11-5-4: A, F. Fire Hydrant Specification: 1 and 4; G. Fire Hydrant Spacing And Location: 1; Chapter 7, Guarantee of Improvements, Section 11-7-1.D and G. County initiated

The planner explained that these ordinance amendments are "housekeeping" efforts to take care of changes to the ordinance that are the differences between ordinance, State Code and/or the County Construction Standards. Staff felt these changes could be reviewed by going directly to the advertising process for a hearing on the 14<sup>th</sup> of July, since some of these changes are fairly simple and were related to the update of the Washington County Standard Specifications for Design and Construction.

Todd Edwards, County Public Works, said the most important part is about the dead end streets. The current Ordinance allows up to sixteen hundred feet (1600') for a temporary dead end, with a master plan. The proposed change would be to limit the length to six hundred feet (600') feet

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maximum. Winding mountain streets had conflicts with the hillside ordinance, and the change would require using the adopted hillside ordinance criteria.

The existing one (1) year acceptance guarantee is a state law passed after our ordinances, with a few exceptions including unstable soil conditions can receive two (2) years, and also unstable soil conditions. Mr. Edwards explained that the inclement weather conditions were vague in the County Ordinance, but it means that if a job is finished in December and in the following December there is snow cover, the one (1) year guarantee can be extended until it is possible to make an inspection. Mr. Edwards explained that if we reference to State Code, as they make changes we will not have to change our Ordinances.

Another change is the reference to International Fire Codes, located in the appendixes. The update will include the reference to the appendixes.

These and other proposed changes will be advertised for a Public Hearing at a later date.

**Item #8. DISCUSSION ITEM / CONSTRUCTION STANDARDS:** Review summary of differences from current standards of Washington County Standard Specifications and Drawings. Public Works Department, initiated.

The planner explained that the Public Works staff provided a summary of differences from current standards for the commissions review and the Washington County Standard Specifications and Drawings were provided in a PDF file for prior to the meeting.

Todd Edwards, County Public Works, said that APWA, the American Public Works Association has tried to put together standards that everyone could adopt. The most recent standards from Santa Clara City to use as a guideline. The intent is to have County standards similar to municipalities so they will be compatible with adjacent cities.

Mr. Edwards had prepared a list of one hundred ten (110) changes, and each commissioner had a copy. Due to time restraints, it was determined that the commissioners would carefully review all the items and be prepared to discuss any questions or concerns at a later meeting.

Mr. Edwards pointed out the proposed change to add the requirement to show all utilities on the construction drawings including power, telephone, cable TV, natural gas, culinary water, secondary water and sewer and clarified where these lines should be installed within the roads and utility easements. Another was adding the APWA Manual of Standard Specifications as a supplement to County standards. Also, added AASHTO "A Policy of Geometric Design of Highways and Streets" and the Utah Departments of Transportation (UDOT) Standards and Specifications as supplements to County standards. Also, a proposal to eliminate the base coat and change the level of asphalt from 2.5 inches to three (3) inches.

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**Item #9. DISCUSSION ITEM.** Review and make recommendations on Land Use Ordinance adoption of 1) Chapter 25: Wind Energy Systems and Facilities; and 2) Chapter 26: Solar Power Plants; and 3) Chapter 27: Geothermal Power Plants to establish minimum requirements and regulations on such systems. County initiated.

The planner reminded the commissioners that they have reviewed these ordinances several times during the past two months, and the planner recently received the first request for solar panels on fifteen (15) acres near New Harmony. The agent was told that approvals may have to be held up for the adoption of ordinances or reviewed conditionally within the present zone. In discussing this with staff, legal counsel suggested that we consider handling all of these types of requests conditionally, instead of trying to adopt an ordinance on each type of use. This way the commission will consider each request on an individual basis, private or commercial (industrial).

After a brief discussion it was determined that the commissioners would make a field trip after the towers are up and working.

**Item #10. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on June 16, 2009. County initiated

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Manager; Laurence Parker, Southwest Utah Public Health Department; Tina Esplin, Washington County Water Conservancy District; and Randy Taylor, Department of Environmental Quality.

Excused: Kurt Gardner, Building Official; Ron Whitehead, Public Works Director.

### **CONDITIONAL USE PERMIT EXTENSIONS:**

#### **A. Review extension to have an accessory dwelling within a garage, located at 395 East Pine Valley Road, Lot 3B, in Pine Valley. Mike Albright.**

This is the 2<sup>nd</sup> extension, with staff reviewing that the accessory dwelling was inspected for a 4-Way (framing, electrical, plumbing, and mechanical) on March 21, 2008, by the Building Official Kurt Gardner. In further review of the permit file, this update was for the main dwelling and not the accessory dwelling. As previously reviewed, the applicant submitted a site plan and floor plan for staff review. An additional septic permit was issued by the Southwest Utah Public Health Department. This meets the criteria set forth for accessory dwelling units, and the accessory dwelling seems to be incidental to the main dwelling. **The staff granted approval of the Conditional Use Permit extension for an additional year, whereas this area is seasonal in nature and the initial work that went into applying for the conditional use should be enough to keep the use active.**



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**CONDITIONAL USE PERMIT:**

**A. Request permission for an accessory dwelling above a garage at 255 S. 200 West, in Pine Valley. Rexine Rowley, applicant and Jeff Gardner, agent.**

This is a review for an accessory dwelling to be above a detached garage. which was previously denied by staff on April 21, 2009. The planner reviewed the approval process, stating that the applicant did obtain approval of the Washington County Water Conservancy District (WCWCD) on densities in the Pine Valley area for an upgrade to the septic system, so the Southwest Utah Public Health Department (SWUPHD) has issued another septic permit. The property is within the RE-20.0 zone and meets the setback requirements of that zone. The applicant submitted a site plan and floor plan for review showing the sleeping quarters were labeled correctly). **The staff approved the Conditional Use Permit for the period of one (1) year.**

**Item #11. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items. County initiated.

Action taken on Planning Items by the Washington County Commission on May 19, 2009, beginning at 4:00 p.m. (a) Conditional use extension for a rock extraction operation within the OST-20 zone, N ½ SE 1/4, Sec. 14, T37S, R18W, SLB&M, generally located 6 miles west of Enterprise... Kendall Gardner, applicant; (b) Conditional use extension on permission to construct and operate an asphalt plant, within the I-1, Section 1, T40-S, R13W, SLB&M, zone near Pintura... Sunroc/Russell Leslie, applicant; (c) Conditional use extension of a gravel crushing operation in the Pintura area of Washington County... Dana Truman/SUNROC, applicant; (d) Conditional use for a racing event "15 Miler Turn-Around" for a 5k and 15 mile run on August 15, 2009, beginning at 7:00 a.m., generally located 1.5 miles north of Pine Valley on Grass Valley Road... Blue Duck Racing/Bob Hermandson, applicant; (e) Final plat approval for Whispering Pines Subdivision - Phase II, 34 lots, containing approximately 45.29 acres, NW , NE & SE 1/4, Section 12, T39S, R11W, SLB&M, generally located east of Terrace Drive Subdivision on Kolob... Karl Rasmussen, agent; (f) Zone change from A-20 (Agricultural) to OST (Open Space Transitional 20 acres) zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLB&M, generally located east of Hwy 18 and south of Pine Valley Rd in Central... Robert and Mary Houston, applicants and Gary Simonson, agent; (g) Washington County Land Use (Zoning) and Subdivision Ordinance Amendments, Title 10, Chapter 1, Section 10-1-12, Changes and Amendments, and Title 11, Chapter 4, Preliminary Plat, Section 11-4-1.A.3.j.; Final Plat, Section 11-4-2.A.9; B.9 (insert), 10 (insert), and 11.; and E.4 (insert) and 5. Requirements: and Construction Plans... County initiated.

**The planner explained that all items were approved on the County Commission Consent Agenda.**

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**Item #12. COMMISSION & STAFF REPORTS** General reporting on various topics. County initiated.

There being no further business at 3:43 p.m., Pro Tem Chairman Everett adjourned the meeting.

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**Donna Rasmussen, Planning Secretary**